

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re Chapter 7

CHRISTINE PERSAUD, Case No. 10-44815-ess

Debtor.
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**AMENDED ORDER GRANTING IN PART
MOTION FOR RULE 2004 EXAMINATION OF CARING HOME CARE AGENCY**

WHEREAS, on May 26, 2010, Christine Persaud filed a petition for relief under Chapter 11 of the Bankruptcy Code; and

WHEREAS, on April 8, 2011, this case was converted to one under Chapter 7 of the Bankruptcy Code; and

WHEREAS, on April 21, 2011, John Pereira was appointed as Chapter 7 trustee in this case; and

WHEREAS, on August 24, 2011, the Trustee filed an application (the “Trustee’s OSC Application”) for an order to show cause why an order pursuant to Bankruptcy Rules 2004 and 9016 should not be entered directing Caring Home Care Agency (“Caring”) by a corporate designee or representative to appear for an oral examination and to produce documents, records, and other materials, including electronically stored information as set forth in the OSC Application; and

WHEREAS, on September 13, 2011, the Court held a hearing on the Trustee’s OSC Application, which was continued from time to time until October 28, 2011; and

WHEREAS, Bankruptcy Code Section 704(a)(4) directs the Trustee to “investigate the financial affairs of the debtor;” and

WHEREAS, Bankruptcy Rule 2004(b) provides that “[t]he examination of an entity

under this rule . . . may relate only to the acts, conduct, or property or to the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor's estate;" and

WHEREAS, pursuant to the Trustee's OSC Application, the Trustee seeks to investigate the financial affairs of the Debtor and matters which may affect the administration of the Debtor's estate; and

WHEREAS, on October 31, 2011, the Court entered an order granting in part the Trustee's OSC Application (the "October 31, 2011 Order"); and

WHEREAS, on November 9, 2011, Abraham Klein, Melquisedec Escobar, Joel Klein Philip Gottehrer and Caring filed an application for the entry of an order to show cause, a motion for reconsideration of the October 31, 2011 Order and for other relief (the "Reconsideration OSC Application"); and

WHEREAS, based on the entire record, the Court has determined that it is appropriate to enter this amended order.

NOW, THEREFORE, it is hereby

ORDERED, that the Trustee is authorized to examine Caring, limited to the production of documents, as set forth below; and it is further

ORDERED, that Caring is directed to produce for inspection and copying, at the offices of Pereira & Sinisi, LLP, or at such other place as the Trustee and Caring may agree, consistent with Bankruptcy Rules 2004 and 9016, the following categories of documents, for the period January 1, 2008 through May 26, 2010:

1. Income statements, balance sheets, and cash flows;
2. Cash receipts journal;
3. Cash disbursements journal;

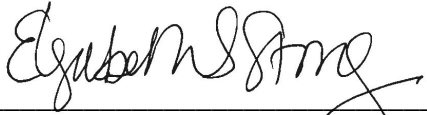
4. Sales journal;
5. Bank statements and cancelled checks for all bank accounts in the name of Caring or any of its similarly named affiliates;
6. General ledger detail;
7. Accounts receivable aging reports;
8. Accounts payable aging reports;
9. Year-end payroll summaries;
10. Federal and State income tax returns;
11. Listing of loans receivable and payable;
12. Copies of all contracts or agreements detailing ownership of Caring, limited to agreements *between* (i) the Debtor or any corporation, partnership, joint venture, or other entity directly or indirectly owned by or affiliated with the Debtor, *and* (ii) Caring; and it is further

ORDERED, that Caring is directed to commence production of documents by November 18, 2011; and it is further

ORDERED, that a continued hearing on the OSC Application and a hearing on the Reconsideration OSC Application will be held before the Honorable Elizabeth S. Stong on November 14, 2011, at 8:30 a.m. in the United States Bankruptcy Court for the Eastern District of New York, Room 3585, 271 Cadman Plaza East, Brooklyn, NY 11201.

**Dated: Brooklyn, New York
November 10, 2011**




Elizabeth S. Stong
United States Bankruptcy Judge

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